

\*\*E-filed 10/22/07\*\*

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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11 **HERBERT RUSSELL, JR.,**

12 Petitioner,

C 06-0106 JF (PR)

13 **[PROPOSED] ORDER**

14 v.

15 **PEOPLE OF THE STATE OF CALIFORNIA,**

16 Respondent.

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18 GOOD CAUSE APPEARING, it is hereby ordered that respondent may have until  
19 December 14, 2007, to file a motion to dismiss or notice that the motion is unwarranted.  
20 Petitioner may file an opposition to the motion to dismiss within 30 days of his receipt of the  
21 motion to dismiss. Respondent shall file and serve a reply within 15 days of receipt of  
22 petitioner's opposition.

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24 Dated: 10/19/07

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The Honorable Jeremy Fogel